

§ 333.1

AUTHORITY: 50 U.S.C. 404; 50 U.S.C. app. 2061 *et seq.*; E.O. 12148; E.O. 11190, as amended by E.O. 11382.

SOURCE: 47 FR 7240, Feb. 18, 1982, unless otherwise noted.

§ 333.1 Purpose.

To provide procedures for eliminating conflict between key civil employment and military assignment of Ready Reservists in the event of a mobilization of the Ready Reserve.

§ 333.2 Scope and applicability.

(a) Employees are responsible for informing employers of their reserve status. If mobilization is directed, procedures in § 333.4(e) will terminate and all members of the Ready Reserve will be subject to mobilization.

(b) Employers in State and local governments and private industry should identify and inform the Department of Defense of those reservists who continue to occupy key positions in their organizations after other remedies to staff these positions with non-reserve personnel are inappropriate.

[47 FR 7240, Feb. 18, 1982, as amended at 51 FR 34606, Sept. 30, 1986]

§ 333.3 Policy.

(a) Ready Reservists will be called into active military service in a national emergency. No deferment from mobilization will be granted because of civil employment.

(b) The Federal Emergency Management Agency and the Department of Defense recognize that a potential for conflict between military and civil employment could exist for Ready Reservists. They have agreed to consider changing a reservist's assignment if they are essential civil employees. This change in status could only be made prior to a mobilization.

(c) It is in the interest of employers that key positions held by Ready Reservists be screened and appropriate steps be taken to correct military and civil assignments.

§ 333.4 Procedures.

Prior to a mobilization, State and local governments, and private industry may identify all key employees who are members of the Ready Reserve, assess impact on their organiza-

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tion of a call-up of Reservists, and use the following procedures as appropriate:

(a) Prepare other employees to assume the essential functions of Ready Reservists.

(b) Transfer the essential functions of Ready Reservists to other employees.

(c) Develop plans to fill positions vacated by Ready Reservists in a mobilization.

(d) Make other arrangements to have the essential functions of Ready Reservists performed.

(e) If these remedies are not appropriate, these organizations can use the criteria and procedures in Department of Defense Regulation 32 CFR part 44 on a case-by-case basis to request that particular key employees be screened out of the Ready Reserve.

§ 333.5 Responsibilities.

(a) Employers of Ready Reservists may notify the Armed Forces in order to determine if potential conflicts affecting their employees between military or civil duties warrant change in Ready Reserve status. The Department of Labor, through appropriate national and regional offices, will be available to advise State and local government and private industry in support of a mobilization and assist such entities in substantiating their claims for essential civil positions.

(b) The Department of Defense may advise civilian employers of Ready Reservists of their employees' Ready Reserve status, including name, social security number, and other data necessary to identify Ready Reserve employees.

(c) In all cases, 32 CFR part 44 procedures shall pertain. If an organization's request for exemption from military duties is denied by DOD and should continued conflict between DOD and employers persist on essential civil employment, on the basis of criteria adopted jointly by the Departments of Commerce, Defense, and Labor and the Federal Emergency Management Agency, then FEMA shall adjudicate the differences.